

3Rs For Construction And Demolition Projects

Frequently Asked Questions

What are the 3Rs Regulations?

A The 3Rs Regulations, introduced in 1994 under the Environmental Protection Act, require municipalities and the industrial, commercial and institutional (IC&I) sector, including the Construction and Demolition (C&D) industry, to divert more waste from disposal by reducing, reusing and recycling.

There are two regulations that affect designated projects in the C&D industry: Ontario Regulation 102/94 requires construction and demolition companies to conduct waste audits and develop and implement waste reduction work plans, and Ontario Regulation 103/94 requires source separation (recycling) programs for specified wastes. You will find more information on these regulations at www.ontario.ca/wastereduction

Is my project designated under the regulations?

A The regulations apply to C&D projects consisting of one or more buildings with a floor area of at least 2,000 m². Included are those projects normally associated with the construction or demolition of residential, commercial, industrial or institutional buildings, such as single family housing, apartments, offices, factories and hospitals. Renovation projects that pull apart interior walls and fixtures but leave the building intact are not subject to the regulations.

Who is responsible for compliance?

A Complying with the regulations is the responsibility of the person who undertakes the construction or demolition project on his/her own behalf (e.g., owner) or on behalf of another person (e.g., contractor).

How is building area calculated?

A The building floor area is the area normally reported on building permits. Multi-storey or underground parking lot areas must be included in the total building area. However, any outside areas such as ground level outdoor parking lots or recreation parks are not part of the total area.



If a builder has a number of houses totaling 2,000 m² or more floor area spread out over a plot of land, but not directly adjacent to each other, do the regulations apply?

A Yes. Spacing between buildings on one subdivision or lot is not relevant.

If the construction of homes is phased in over a period of time, with the first and second phases each having a total floor area less than 2,000 m², but the total floor area of the two phases is greater than 2,000 m², will the second phase be required to comply with the regulations?

A The regulations apply where a project is being constructed over phases. The regulations address the specific project itself and not the specific phases in which the project is being built. However, if additional buildings that were not part of the original plan are added later (providing they, too, total less than 2,000 m²), the builder does not have to comply with Ontario Regulation 102/94 which calls for a waste audit and waste reduction work plan since the previous buildings would likely be under construction or already completed. The builder will, however, need to comply with Ontario Regulation 103/94 and undertake a source separation program before constructing the buildings that will bring the total floor area to 2,000 m².

Can mixed recyclables from a construction site be removed by the general contractor or subcontractor?

A Yes. Ontario Regulation 103/94 allows either the general contractor or a subcontractor who is implementing the general contractor's source separation program to remove mixed recyclables (co-mingled categories of waste as listed in Ontario Regulation 103/94) from the building site, providing it is removed to one of the following locations where it must be immediately separated: (1) the permanent premises of the person undertaking the construction project (i.e., the contractor); (2) the permanent premises of the person on whose behalf the construction project is undertaken (i.e., the owner); or (3) a waste disposal site (as defined in the Environmental Protection Act) operating under the authority of a certificate of approval.

Does the general contractor or the subcontractor that removes the co-mingled waste require a certificate of approval?

A No. A certificate of approval is not required if the source separation program complies with Sections 3 and 4 of Ontario Regulation 103/94.

Can the general contractor or subcontractor remove source-separated waste?

A Yes. Either the general contractor or a subcontractor can remove source-separated waste from the site as long as reasonable efforts are made to ensure that the waste is reused or recycled. It must go to either a municipal waste recycling site, as described in Ontario Regulation 101/94, or to a site where the waste is wholly used by an 'end user' such as in a manufacturing or industrial process, as described in Ontario's Waste Management Regulation (Regulation 347).

Can a drywall company transport its own source-separated waste to an approved municipal waste site without having a certificate of approval?

A Yes. A certificate of approval is not required if the company is removing its own generated source-separated waste and transporting it to an approved municipal or private waste facility for the purposes of recycling.

What is the difference between construction and demolition projects versus renovation projects in the regulations?

A Renovations involve making modifications or repairs to one or more buildings without actually constructing any new building(s) or demolishing an existing building(s). Renovations are not subject to the regulations.

Are waste audits and waste reduction work plans required for roofers who replace roofs on buildings that have more than 2,000 m² of floor area?

A No. The roofer is simply replacing an existing roof on an existing building. Ontario Regulation 102/94 applies to construction or demolition projects, but not to renovations.

If in the course of a construction or demolition project there are a number of windows broken, must the glass be diverted under the regulation?

A No. Diverting glass is not mandatory. However, to help meet its waste diversion goals, the ministry encourages companies to do their part for the environment by reusing or recycling as many waste materials as possible. A list of mandatory and non-mandatory wastes to be source-separated is included in the *Guide to Source Separation of Recyclable Materials for Industrial, Commercial and Institutional Sectors and Multi-Unit Residential Buildings*. For the construction sector, mandatory wastes include cardboard, concrete, brick, unpainted drywall, steel and unpainted/non-treated wood.

Do I have to use ministry-approved forms to record my waste audit and work plan?

A No. You are free to devise your own form as long as it is in the same format as the ministry form and contains the same requested information.

www.ontario.ca/wastereduction
www.ontario.ca/reductiondesdechets

Please note: This fact sheet is a brief summary of some of the requirements set out in Ontario Regulations 102/94, 103/94 and Regulation 347 all under the Environmental Protection Act. Interested parties are advised to refer to the regulation for the precise legal requirements.